

**REMARKS**

Claims 1-18 are pending in the application. Claims 1- 3 are amended. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

**REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-18 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 are amended as suggested by the examiner. The word "reproducible" is replaced by "reproducible." The phrase "reversible reception of" is replaced by "receiving, in a reversible manner." The Applicants respectfully submit that the Examiner withdraw the rejection of claims 1-18 under 35 U.S.C. § 112.

**REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-7, 9-14, and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita et al. in US 2003/0218720 (hereinafter Morita) in view of Kienzle, III et al. in US 6,285,905 (hereinafter Kienzle). Claims 8 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morita in view of Kienzle and further in view of Sauer et al. in US 6,307,674 (hereinafter Sauer).

Claims 1 and 3 recite a sterilizable screen and "a sterilizable protective housing connected mechanically to the screen."

The Examiner admits that Morita fails to teach a sterilizable protective housing and alleges Kienzle teaches this limitation. However, Kienzle discloses that "prior to the

procedure, the C-arm 112 is covered by a transparent sterile drape 196" (Fig. 10 and col. 16 lines 29-33). The drape 196 fits against the localizing emitters 153 (Fig. 10 and col. 16 lines 39-41). The sterile drape 196 is not connected mechanically to the system monitor 122 or the display monitors 117(Fig. 10). Kienzle does not teach a sterilizable protective housing connected mechanically to the screen. Therefore, claims 1 and 3 are allowable over Morita and Kienzle for at least this reason.

Further, claims 1 and 3 recite a detection device and a sterilizable protective housing operable for receiving the detection device.

The Examiner admits that Morita fails to teach a sterilizable protective housing and alleges Kienzle teaches this limitation. However, Kienzle fails to teach or suggest a sterilizable protective housing operable for receiving the detection device. Kienzle discloses a drape 196 covering the localizing emitters 153 prior to the surgery procedure (Fig. 10 and col. 16, line 29-41). Kienzle teaches a first sensor unit 230 and a second sensor unit 231, wherein the second sensor unit 231 is used to detect the localizing emitters 153 (Fig. 14 and col. 18, lines 12-20). During a surgery procedure, a sterile drape is hung horizontally between the C-arm 112 and the surgical field (col. 18, lines 58-63). The sterile drape 196 is not operable for receiving the detection sensor 230 or 231. Kienzle does not teach that a sterilizable protective housing is operable for receiving the detection device. Therefore, claims 1 and 3 are allowable.

The Examiner alleges it would have been obvious to one of the ordinary skill in the art at the time of invention to cover the arm (as taught by Kienzle) holding Morita's projection device in order to maintain sterilization of all equipment used during surgery. However, as discussed above, the arm does not include or designed to receive a

detection sensor. Further, a sterile drape is hung between the C-arm 112 and the surgical fields such that only the first sensor 230 can accurately view the surgical instruments 128 on one side of the drape, while only the second sensor 231 can accurately view the C-arm 112 on the other side of the drape (col. 18, lines 58-65). The sterile drape is used to confine the field of view of the sensors (detection devices) by Kienzle. If the sterile drape is used to cover the detection devices, it would block the detection. Therefore, Morita would not use the sterile drape as a sterilizable protective housing operable for the detection device. Kienzle teaches the sterilizable protective housing way from the detection device in the claimed control unit.

Dependent claims 2 and 4-18 depend from allowable claims 1 and 3, so are allowable for at least the same reasons as claims 1 and 3. Further limitations patentably distinguish from the cited references.

Dependent claims 6, 13, 17 and 18 recite "a transmission unit for wireless communication with a medical device." Morita fails to teach or suggest this limitation. The Examiner admits the detection camera 145 is a detection device on page 3 of the office action. The camera 145 detects the positions of icons 143 and the instrument 148 by picking up the marker 147 or 146 on the pictures taken (col. 9, lines 21-34). The camera 145 is not a transmission unit that communicates wirelessly with the medical tool 148. Therefore, claim claims 6, 13, 17 and 18 are allowable for this reason.

Dependent claims 9 and 16 recite "an energy transmission module for wireless energy transmission to the detection device." Morita fails to teach or suggest this limitation. The Examiner alleges that the markers 146 and 147 transmit wireless energy, such as light and infrared to the detection camera 145. However, Morita is silent on how

the marker works with the camera. The camera 145 may pick up the marker 147 or 146 by analyzing the pictures taken, not wireless energy transmission. Therefore, claim claims 9 and 16 are allowable for this reason.

CONCLUSION

Based on the above remarks, Applicants respectfully submit that the claims are in condition for allowance. The Examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,

/Craig A. Summerfield/  
Registration No. 37,947  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200